



Sen. William R. Haine

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09800SB2375sam001

LRB098 09159 RLC 41594 a

1 AMENDMENT TO SENATE BILL 2375

2 AMENDMENT NO. _____. Amend Senate Bill 2375 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 12-5.1, 12-5.1a, and 12-5.2 as follows:

6 (720 ILCS 5/12-5.1) (from Ch. 38, par. 12-5.1)

7 Sec. 12-5.1. Criminal property ~~housing~~ management.

8 (a) A person commits criminal property ~~housing~~ management
9 when, having personal management or control of ~~residential~~ real
10 property ~~estate~~, whether as a legal or equitable owner or as a
11 managing agent or otherwise, he or she recklessly permits the
12 physical condition or facilities of the ~~residential~~ real
13 property ~~estate~~ to become or remain in any condition which
14 endangers the health or safety of a person other than the
15 defendant.

16 (b) Sentence.

1 Criminal property ~~housing~~ management is a Class A
2 misdemeanor, and a subsequent conviction is a Class 4 felony.

3 (Source: P.A. 96-1551, eff. 7-1-11.)

4 (720 ILCS 5/12-5.1a) (was 720 ILCS 5/12-5.15)

5 Sec. 12-5.1a. Aggravated criminal property ~~housing~~
6 management.

7 (a) A person commits aggravated criminal property ~~housing~~
8 management when he or she commits criminal property ~~housing~~
9 management and:

10 (1) the condition endangering the health or safety of a
11 person other than the defendant is determined to be a
12 contributing factor in the death of that person; and

13 (2) the person recklessly conceals or attempts to
14 conceal the condition that endangered the health or safety
15 of the person other than the defendant that is found to be
16 a contributing factor in that death.

17 (b) Sentence. Aggravated criminal property ~~housing~~
18 management is a Class 4 felony.

19 (Source: P.A. 96-1551, eff. 7-1-11.)

20 (720 ILCS 5/12-5.2) (from Ch. 38, par. 12-5.2)

21 Sec. 12-5.2. Injunction in connection with criminal
22 property ~~housing~~ management or aggravated criminal property
23 ~~housing~~ management.

24 (a) In addition to any other remedies, the State's Attorney

1 of the county where the real ~~residential~~ property which
2 endangers the health or safety of any person exists is
3 authorized to file a complaint and apply to the circuit court
4 for a temporary restraining order, and such circuit court shall
5 upon hearing grant a temporary restraining order or a
6 preliminary or permanent injunction, without bond, restraining
7 any person who owns, manages, or has any equitable interest in
8 the property, from collecting, receiving or benefiting from any
9 rents or other monies available from the property, so long as
10 the property remains in a condition which endangers the health
11 or safety of any person.

12 (b) The court may order any rents or other monies owed to
13 be paid into an escrow account. The funds are to be paid out of
14 the escrow account only to satisfy the reasonable cost of
15 necessary repairs of the property which had been incurred or
16 will be incurred in ameliorating the condition of the property
17 as described in subsection (a), payment of delinquent real
18 estate taxes on the property or payment of other legal debts
19 relating to the property. The court may order that funds remain
20 in escrow for a reasonable time after the completion of all
21 necessary repairs to assure continued upkeep of the property
22 and satisfaction of other outstanding legal debts of the
23 property.

24 (c) The owner shall be responsible for contracting to have
25 necessary repairs completed and shall be required to submit all
26 bills, together with certificates of completion, to the manager

1 of the escrow account within 30 days after their receipt by the
2 owner.

3 (d) In contracting for any repairs required pursuant to
4 this Section the owner of the property shall enter into a
5 contract only after receiving bids from at least 3 independent
6 contractors capable of making the necessary repairs. If the
7 owner does not contract for the repairs with the lowest bidder,
8 he shall file an affidavit with the court explaining why the
9 lowest bid was not acceptable. At no time, under the provisions
10 of this Section, shall the owner contract with anyone who is
11 not a licensed contractor, except that a contractor need not be
12 licensed if neither the State nor the county, township, or
13 municipality where the ~~residential~~ real property ~~estate~~ is
14 located requires that the contractor be licensed. The court may
15 order release of those funds in the escrow account that are in
16 excess of the monies that the court determines to its
17 satisfaction are needed to correct the condition of the
18 property as described in subsection (a).

19 For the purposes of this Section, "licensed contractor"
20 means: (i) a contractor licensed by the State, if the State
21 requires the licensure of the contractor; or (ii) a contractor
22 licensed by the county, township, or municipality where the
23 ~~residential~~ real property ~~estate~~ is located, if that
24 jurisdiction requires the licensure of the contractor.

25 (e) The Clerk of the Circuit Court shall maintain a
26 separate trust account entitled "Property Improvement Trust

1 Account", which shall serve as the depository for the escrowed
2 funds prescribed by this Section. The Clerk of the Court shall
3 be responsible for the receipt, disbursement, monitoring and
4 maintenance of all funds entrusted to this account, and shall
5 provide to the court a quarterly accounting of the activities
6 for any property, with funds in such account, unless the court
7 orders accountings on a more frequent basis.

8 The Clerk of the Circuit Court shall promulgate rules and
9 procedures to administer the provisions of this Act.

10 (f) Nothing in this Section shall in any way be construed
11 to limit or alter any existing liability incurred, or to be
12 incurred, by the owner or manager except as expressly provided
13 in this Act. Nor shall anything in this Section be construed to
14 create any liability on behalf of the Clerk of the Court, the
15 State's Attorney's office or any other governmental agency
16 involved in this action.

17 Nor shall anything in this Section be construed to
18 authorize tenants to refrain from paying rent.

19 (g) Costs. As part of the costs of an action under this
20 Section, the court shall assess a reasonable fee against the
21 defendant to be paid to the Clerk of the Circuit Court. This
22 amount is to be used solely for the maintenance of the Property
23 Improvement Trust Account. No money obtained directly or
24 indirectly from the property subject to the case may be used to
25 satisfy this cost.

26 (h) The municipal building department or other entity

1 responsible for inspection of property and the enforcement of
2 such local requirements shall, within 5 business days of a
3 request by the State's Attorney, provide all documents
4 requested, which shall include, but not be limited to, all
5 records of inspections, permits and other information relating
6 to any property.

7 (Source: P.A. 96-1551, eff. 7-1-11.)".